

## **REMARKS**

Claims 1, 3-7, 10-13, and 15-32 were presented for examination and were subjected to a restriction and/or election requirement.

The applicant has amended claim 11, as discussed below.

The applicant respectfully requests reconsideration in light of the amendments and the following comments.

### **Restriction Requirement**

A restriction requirement has been issued under 35 U.S.C. 121 for:

- Invention I – claims 1, 3-7, 10, 12-13, and 15-32, and
- Invention II – claim 11.

The applicant refers to the amendment filed on February 12, 2010, in which claim 11 was amended from being an independent claim to a dependent claim. However, the actual claim dependency was inadvertently omitted from the previously-amended claim 11, in that the amended claim should have recited a dependency on claim 7, but did not. In support of this, the applicant directs the Office's attention to page 12 of the amendment filed on February 12, 2010, which states "formerly independent method claim 11 was amended to a claim depending on claim 7." In the current response, the applicant has amended claim 11 to reflect its dependency on claim 7. And for this reason, the applicant contends that the restriction requirement is moot.

However, in the event that the Office disagrees with the foregoing contention, the applicant respectfully points out that the restriction requirement was improper because the Office decided to require the restriction based on improper criteria. Specifically, the instant application is a 35 U.S.C. §371 application (i.e., based on an International application). Therefore, the Office should have applied the unity-of-invention criteria. Instead, the Office incorrectly applied the US-type restriction criteria that are appropriate for a 35 U.S.C. §111 application, which the instant application is not. For this reason, the applicant submits that the restriction requirement is traversed.

Additionally, because the subject matter of dependent claim 11 relates to the same inventive concept as defined in claim 7, on which claim 11 depends, the applicant submits that a restriction requirement that is based on unity of invention would be traversed as well.

As is required for a complete response to the requirement for election, the applicant provisionally elects (with traverse) Invention I, which corresponds to claims 1, 3-7, 10, 12-13, and 15-32. But in view of the aforementioned reasons, the applicant respectfully submits that the restriction requirement should be withdrawn.

**Objection to the Specification**

The Office Action Summary sheet indicates that the Examiner objected to the specification. However, the Office provided no further details.

The applicant requests that the Office clarify whether there is an objection to the specification and, if so, what the nature of the objection is.

**Request for Reconsideration Pursuant to 37 C.F.R. 1.111**

Having responded to each and every ground for objection and rejection in the last Office action, applicant respectfully requests reconsideration of the instant application pursuant to 37 CFR 1.111 and requests that the Examiner allow all of the pending claims and pass the application to issue.

If there are remaining issues, the applicant respectfully requests that Examiner telephone the applicant's agent so that those issues can be resolved as quickly as possible.

Respectfully,  
Jan Trebesius

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